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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,199	10/16/2001	Byung-Gi Jung	1594.1010	3194
21171	7590	12/15/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			HOLLINGTON, JERMELE M	
			ART UNIT	PAPER NUMBER
			2829	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/977,199

Applicant(s)

JUNG, BYUNG-GI

Examiner

Jermele M. Hollington

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): the objection to claim 6, and rejection to claims 2-3.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: 2-6 and 14-16.Claim(s) rejected: 1, 7-13 and 17-23.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Jermele Hollington

DETAILED ACTION

Advisory Action

Under the heading "Request For Withdrawal of Finality," the applicant's state: "...these amendments did not change the scope or breadth of independent claim 1. Further, these amendments did not raise new issues. Therefore, it is respectfully submitted that, as independent claim 1 was rejected under new grounds, a new non-final Office Action was required. Accordingly, withdrawal of the finality of the outstanding Office Action is respectfully requested.

In response to the above statements, In MPEP 706.07(a)[R-1], it states: "Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims ..." In the examiner's opinion, the determination of the finality of this application was not determine just on the independent claim but on the whole claimed invention. In reviewing the amendment filed on May 7, 2004, the applicant changed the scope of claim 5 and further added claims 7-23, which was not previous presented in the original filed case. Further the MPEP states, "the rules no longer give to an applicant the right to "amend as often as the examiner presents new references or reasons for rejection..." Therefore, the examiner believes the finality of this application was valid.

Under the section "Rejections Under 35 USC 102", the applicant's states: "...in rejecting independent claim 1, the Office Action has indicated that the claimed "space adjusting plate," "elevation guiding unit," and guide block fixing plate," respectively, correspond to the

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pantograph 44, pantograph manipulation units, and guide rail 9 of Kress. Applicant respectfully disagrees with these interpretations of Kress, as well as the remaining interpretations.”

In response to the above statements, the examiner believes that Kress does disclose the claimed features.

A) The applicant states “Pantograph 44 of Kress is not a plate, and definitely not a space adjusting plate.” Claim 1 states: “...a space adjusting plate to adjust pitches of the vacuum adsorbers...”. In the Office Action the examiner uses Pantograph 44 as the space adjusting plate and vacuum tip 12 and the vacuum adsorbers. Here is the relationship between both of the items. In Kress, col. 2, lines 45-50, it states: “a variable-pitch pick and place device has a mechanical linkage, such as a scissors or pantograph linkage, itself linked to a plurality of device-gripping mechanisms so as to maintain uniform, though variable, spacing or pitch between the device-gripping mechanisms.” The device-gripping mechanism in Kress is gripper mechanism 31. In col. 4, lines 3-5, it states: “twelve gripper mechanisms 31, six on one side and six on the other side of the frame. Each gripper mechanism 31 includes a gripper in the form of a vacuum tip 12 (FIG. 2)...” To show that the pantograph of Kress is similar to that of a space adjusting plate of the claimed invention, in col. 5, lines 52-55, it states: “even spacing or pitch between the gripper mechanisms is preserved ... by a linkage desirably arranged in the form of a scissors mechanism or pantograph 44...”

B) The applicant also states: “Accordingly, the claimed “elevation-guiding unit,” which by definition must perform some elevation guidance; cannot be considered equal to the pantograph manipulation units. These pantograph manipulation units rather expand or contract pantograph 44. There is no “elevation” guidance being performed.” Claim 1 states: “... an elevation guiding unit to guide one of lifting and lowering of the space adjusting plate...” The examiner believes pantograph manipulation units do achieved the claimed invention. As the

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pantograph manipulation units expand the pantograph, the pantograph is being lowered to the desire spacing or pitch. As the pantograph manipulation units contract, the pantograph is being lifted to the desire spacing or pitch.

C) The applicant also states: "Similarly, the claimed "guide block fixing plate" cannot be considered equivalent to guide rail 9 of Kress. Guide rail 9 is merely a rail attached to the body of the pick and place device of Kress permitting the pantograph expand or contract, thereby adjusting their pitch. Conversely, independent claim particularly claims that the guide block is "separate from the body." As illustrated in FIG. 1 of Kress, the guide rail 9 is within the body of the pick and place device, not separate from the same."

In the Office Action the examiner uses gripper mechanism 31 as equivalent to the body of the claimed invention. The gripper mechanism is part of the pick and place device 41. The examiner agrees with the applicant that "the guide rail 9 is within the body of the pick and place device (41)..." However, the guide rail 9 is separate for the gripper mechanism 31. In col. 5, lines 44-48, it states: "the gripper mechanisms (FIGS. 1 and 4) are supported slidably on a guide rail 9, via a guide block 42 attached to each respective anchor block 32, with one rail 9 for each of the two sets of six gripper mechanisms." Base on the cited statement above, the guide rail is separate for the gripper mechanism 31 and it only is connected to each with guide block 42 and anchor 32 is connected.

D) Applicant lastly argues "...independent claim 7 further particularly defines: "an elevation control unit coupled to the space adjusting unit and controlling an elevation of the space adjusting unit to change a spacing between respective adjacent device loading units in accordance with the elevation of the space adjusting unit". The pantograph 44 of Kress cannot be considered equivalent to the claimed space-adjusting unit. There is no "elevation" relationship

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between the pantograph manipulation units and elevation. As noted above, pantograph 44 is expanded and contracted, not raised and lowered, e.g., at all time there will be some element that is static in the expanding and contracting (not moving up or down). The only raising and lowering performed is potentially for the entire body of the pick and place device or individual vacuum grippers in Kress.

In response to the above arguments, claim 7 states: "an elevation control unit coupled to the space adjusting unit and controlling an elevation of the space adjusting unit to change a spacing between respective adjacent device loading units in accordance with the elevation of the space adjusting unit." The examiner believes pantograph manipulation units do achieved the claimed invention. As the pantograph manipulation units expand the pantograph, the pantograph is being lowered to the desire spacing or pitch. As the pantograph manipulation units contract, the pantograph is being lifted to the desire spacing or pitch.

With above arguments by the examiner, the examiner believes the rejection regarding claims 1 and 7 is valid.

Applicant's arguments, see page 9, filed Nov. 15, 2004, with respect to claims 2-3 have been fully considered and are persuasive. The rejection of claims 2-3 has been withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermele M. Hollington whose telephone number is (571) 272-1960. The examiner can normally be reached on M-F (9:00-4:30 EST) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Tokar can be reached on (517) 272-1812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jermele M. Hollington
Patent Examiner
Art Unit 2829

J.M.H.
JMH

December 9, 2004

David Zarneke
DAVID ZARNEKE
PRIMARY EXAMINER
12/11/04